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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/276,273	03/25/1999	TYLER LOWREY	2024.17	1882

24963 7590 12/09/2003

ENERGY CONVERSION DEVICES, INC.  
2956 WATERVIEW DRIVE  
ROCHESTER HILLS, MI 48309

EXAMINER

CAO, PHAT X

ART UNIT PAPER NUMBER

2814

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/276273

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT
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PAPER
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120503

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

(see attached papers for details)

### NON-RESPONSIVE AMENDMENT

1. The cancellation of claims 1-39 and 44-246 is acknowledged.
2. The corrections of drawing filed on 10/25/03 and the Terminal Disclaimer filed on 10/07/03 are approved.
3. Newly submitted claims 247-257 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the product as claimed in newly submitted claims 247-257 discloses an electrically contact having a cup-shaped and coupled to a substrate, the cup-shaped contact having an open end and having a dielectric material formed over the interior surface of the cup-shaped contact. On the other hand, the original elected claims disclose the product comprising an electrically contact having no open ends and including raised portion.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 247-257 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

4. The amendment filed on 9/9/03 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because newly submitted claims 247-257 are directed to an electrically contact having a

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cup-shaped and having a dielectric material formed over the interior surface of the cup-shaped contact which is different patentably invention from the original elected claims.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phat X. Cao whose telephone number is (571) 272-1703. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

PC  
December 05, 2003

  
PHAT X. CAO  
PRIMARY EXAMINER